

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

BOWATER NEWSPRINT SOUTH OPERATION, LLC

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:09CV3-D-A

KONECRANES INC., M.L. SMITH, JR., INC.,
AP SUPPLY CO., and ENERGY SPECIALTY PRODUCTS, INC.

DEFENDANTS

ORDER

This matter is before the court on motion of the defendant, AP Supply Co., to compel discovery from defendant Konecranes, Inc., and for sanctions (# 205). After considering the motion, the court finds as follows:

The defendant filed the motion to compel the on February 16, 2011. The discovery deadline passed on February 11, 2011. Local Rule 7(b)(2)(B) provides:

A party must file a discovery motion sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court's order before the discovery deadline.

Because the plaintiff did not file his motions sufficiently in advance of the discovery deadline and because trial is set to begin in less than three months, the court cannot grant the motion.

While the rule appears harsh at times, motions such as the present one place the court in an untenable position. The court cannot continue to grant extensions, particularly with trial fast approaching.

IT IS, THEREFORE, ORDERED that the plaintiffs' motion to compel and for sanctions (# 205) is hereby DENIED.

SO ORDERED, this the 14th day of March, 2011.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE